

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 04-53

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC04-1655
ALAN C. TODD;

_____/

ORDER SCHEDULING HEARING AND PREHEARING CONFERENCE

A final evidentiary hearing before the Judicial Qualifications Commission (JQC) Hearing Panel on the Formal Charges in this matter is scheduled for 1:00 p.m. Tuesday, October 18, 2005. This hearing will occur in Courtroom 7-C in the Orange County Courthouse, located at 425 N. Orange Avenue, Orlando, Florida 32801. The members of the Hearing Panel are (1) Judge Thomas B. Freeman (Chair), (2) Judge David Young, (3) attorney John Cardillo, (4) attorney Miles McGrane, III, (5) lay member Dr. Leonard Haber and (6) lay member Rick Morales. All original pleadings are to be filed in the Florida Supreme Court and copies of all pleadings shall be served on the Chair of this Panel, counsel to the Hearing Panel, and on all attorneys for the parties and all other persons on the attached list, using both above case numbers.

A telephonic prehearing conference is hereby set for September 28, 2005, at 2:00 p.m. The call-in number is (850) 425-5429 at the office of attorney John Beranek who is counsel to the Hearing Panel. A court reporter will be provided by the JQC and counsel will be furnished copies of the transcript. At least 7 days before the prehearing conference (September 28, 2005),

counsel shall, by fax or delivery, provide the Chair and all other counsel with a Prehearing Statement containing schedules of all of the witnesses to be called and all of the exhibits to be introduced. The subject matter of the testimony of each witness shall be stated in the schedule. If there are objections to any exhibit or witness, a list of objections shall be filed before the September 28, 2005, conference. The schedules of witnesses and exhibits may be supplemented only in accordance with future orders of this Panel.

Before the preliminary telephonic conference of September 28, 2005, counsel shall confer concerning the scheduled final hearing and be prepared to make commitments concerning the following:

(1) Length of hearing. Counsel shall state their good faith estimates of the time required to try the case by the prosecution and the case by the respondent.

(2) Factual stipulations. Counsel are urged to stipulate to facts which are not genuinely contested and to be prepared to give written details on such factual agreements at the time of the conference.

(3) Discovery. Counsel shall complete all depositions and discovery, prior to the conference of September 28, 2005. Counsel shall disclose any agreed upon further depositions and discovery and show cause why this discovery was not completed in

a timely manner. In any event, the deposition of the Respondent Judge shall be completed before the prehearing conference.

(4) Undisposed of motions and legal issues of importance.

Any undisposed of motions shall be argued at the preliminary conference and shall be delivered to opposing counsel and the Chair at least 7 days before the conference. Counsel shall further advise of the nature of any particular legal issues which are anticipated. Case determinative or constitutional legal issues shall be argued in writing in a brief not exceeding 10 pages by the party asserting the issue.

(5) Amendments to charges and defenses. If there are any proposed amendments to the charges or the defenses, they shall be filed at least one week prior to the conference unless leave is granted for a later filing.

(6) Inspection of and objection to exhibits. Counsel shall exchange all exhibits before the preliminary conference for inspection by opposing counsel. Counsel shall confer concerning their objections and if there are unresolved objections to any proposed exhibits, a schedule of those objections shall be furnished before the preliminary conference.

(7) Policy on Limitation of Character Witnesses. Pursuant to the general policy of the Hearing Panel, the parties are notified that at the formal hearing the Judge will be limited to a total of three live character witnesses. In addition to these

witnesses, affidavits as to character may be filed by the Judge and will be considered by the Hearing Panel. Counsel will also be called upon to consider other appropriate limitations on witnesses.

SO ORDERED this 7th day of September, 2005.

**FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION**

By: /s/ Thomas B. Freeman
JUDGE THOMAS B. FREEMAN,
Chairman, Hearing Panel,
Florida Judicial Qualifications
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Copies furnished in accordance with the attached list.

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